

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY  
PLANNING AND ZONING COMMISSION  
NOVEMBER 3, 2004**

**Members present:** Alan Peltz, Ben Tucker, Beth Hattaway, Chris Dorworth, Dudley Bates and Richard Harris

**Member absent:** Walt Eismann

**Also present:** Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Matt West, Planning Manager; Kim Romano, Deputy County Attorney; Jim Potter, Senior Engineer; Cynthia Sweet, Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant

The Chairman called the meeting to order at 7:00 P.M. A quorum was established. He then introduced the members of the commission to the audience and reviewed the manner in which the meeting was to be conducted.

**Commissioner Bates made a motion to accept the proof of publication.**

**The motion was seconded by Commissioner Peltz.**

**The motion passed unanimously.**

**Commissioner Tucker made a motion to accept the minutes from the October 6 meeting as submitted.**

**Commissioner Bates seconded the motion.**

**The motion passed unanimously.**

**Unscheduled Item:**

**Greenway Pointe Townhomes Preliminary Subdivision Plan; Morrison Homes, applicant;**

Cynthia Sweet, Planner

Cynthia Sweet introduced the application by Morrison Homes for a 218 lot townhome residential subdivision, zoned PUD, on 52.2 acres. The minimum lot size will be 2,000 square feet. The subdivision is located on the northwest corner of Aloma Avenue (SR 426 and SR 417). Internal roads will be private. Utilities will be supplied by Seminole County utilities. The PSP shall meet all conditions of the proposed Developer's Commitment Agreement for the Greenway Pointe

- 1) The wetland boundaries as depicted are required to be verified by the St Johns River Water Management District and Seminole County staff prior to final engineering plan approval.
- 2) A 25-foot average, 15-foot minimum, undisturbed upland buffer is required to be provided from all approved jurisdictional wetland boundaries.
- 3) A conservation easement dedicated to Seminole County will be required over jurisdictional wetlands and required undisturbed upland buffers.
- 4) Access to SR 426 is limited to the existing conditions until the signalized intersection is constructed by the Clayton Property Developers across the street as approved by the Florida Department of Transportation. At the time the signalized access is constructed, the access to this development shall be constructed to line up with the Clayton Property access if it does not already do so.
- 5) The proposed density may be reduced due to the storm water and other related design criteria as required by the Seminole County Land Development Code at time of final engineering.

Staff recommends approval of the Preliminary Subdivision Plan for Greenway Pointe Townhomes as requested by the applicant subject to the Board of County Commissioners approval of the Final Master Plan and the Developer's Commitment Agreement for Greenway Pointe Planned Unit Development and the conditions as specified above.

**Commissioner Dorworth recused himself from participating in this item.**

Commissioner Harris asked Ms. Sweet when the access and signalization will occur. He understood that the property across the street owned by Mr. Clayton and this property were tied to an agreement with the state which required the construction of the signalized intersection at the time of construction of either property. He asked if the County could require a signal.

Cynthia Sweet did not know if it had occurred.

Matt West stated that Mr. Clayton owned both properties involved in the agreement and that he must pay for the signalization. The agreement with DOT requires that the signalization be placed in a specific area. They will permit and approve it, but not pay for the improvements. Final engineering will probably trip the threshold and DOT will require the signal as part of their DOT permit.

Commissioner Harris asked if the County can require the signalization as part of the PSP approval.

Mr. West says that the DOT will make the determination.

Commissioner Tucker stated that he saw no deceleration lanes in the plan. Traffic had been a major concern in this area when this was discussed before. People on Regal Lane cul de sac had been especially concerned about accidents in the area. It is a short distance from 417.

Mr. West stated that the Department of Transportation will dictate what will go on with the traffic as part of final engineering.

Commissioner Tucker said that he was uncomfortable voting on the plan as put forth here without assurances that there will be acceleration lanes, deceleration lanes, a median cut, a line up with Deep Lake, and signalization at the intersection. He said that the commission has talked about this a half dozen times. These details are not shown here.

Jim Potter, Senior Engineer, stated that he had spoken to the project engineer who will go through DOT to get their permits. He said that they would meet all of those requirements, but they are not shown here.

Commissioner Hattaway stated that she was concerned because this item was not on the published agenda. This was put before us just tonight. The room would be filled with people if they knew about this. She was not comfortable acting on this at all.

Commissioner Harris stated that this was not a public hearing.

Mr. West stated that the room had been filled with people when the site was proposed to have apartments on it. The October 12 BCC approved the previous preliminary PUD on Greenway Pointe. No one came. A main discussion was on prohibition of cell towers.

Commissioner Tucker said that issue was not going forward and that traffic was the main issue and that it had been always. This was being fast tracked because of politics. It is unfair to the people who live there and have complained about the traffic that this will generate and the problems it will cause. The whole thing revolves around this one intersection.

Mr. West stated that this is the point where everything ties in. We do not make the call. The Department of Transportation makes the call.

Commissioner Tucker said that we do not work for DOT. He will not wash his hands of this and say that it is DOT's problem. It is our problem here tonight.

**Based on the incompleteness of the intersection in the plans, Commissioner Tucker made a motion for this request to be denied.**

**Commissioner Peltz seconded the motion.**

Commissioner Harris said that normally the PSPs have the roads and access to the roads worked out in advance.

Mr. West said that those final details of how long the turn lanes are going to be and the tapers are not traditionally found on PSPs. The access points are there, and it will be stated whether or not signalized improvements are to be made. We don't dictate to the DOT when traffic lights go in or when curb cuts are made. State roads are permitted and approved by the DOT.

Commission Tucker said that this issue has been before the commission for years. We have heard about this intersection being on the south side of the property and on the north side of the property. We are not covering new ground here. This is hardly preliminary.

**Chairman Harris called the vote. The vote was 4 to 1 in favor of the motion to deny. Commissioner Dorworth did not participate in the voting. Commissioner Harris voted "no."**

Ms. Sweet said that the applicant would like to make a presentation.

Commissioner Harris said that on PSPs the presentation by the applicant was at the discretion of the commission. The issue has already been decided.

**Public Hearing Items:**

**A. Sunlake PUD Major Amendment / Amber Lake Townhomes; CPH Engineers / Mike Urchuk, applicant;** approximately 9.68 acres; Major Amendment to the Sun Lake PUD (Planned Unit Development); located on the south side of SR 434, approximately 0.2 mile east of US 17/92. (Z2004-034)

Commissioner Morris - District 2  
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant is proposing a major amendment to the Sunlake PUD, first approved in 1987. The subject property was shown as commercial on the original plan, and is now proposed for residential use. The site plan submitted by the applicant shows 89 townhouses at approximately 13 units per net buildable acre.

Access into the site would be through an existing shopping center entrance on SR 434. Although it leads into commercial parking, this entrance is actually part of the subject property, along with an 80 foot wide section of the parking lot. Staff believes the proposed townhomes would be compatible with the existing commercial to the east and an apartment complex to the south, both of which are part of Sunlake PUD.

Also, the applicant's site plan shows adequate setbacks and open space to act as a buffer against the Low Density Residential to the west. This item was continued at last month's meeting to permit extra time for the applicant to resolve some technical issues, which included guest parking, usable common open space, and adequate street width. We now feel those have been addressed adequately.

Staff recommends approval of the request, subject to the conditions listed in the staff report, including the following:

- Sidewalks to be provided adjacent to units on both sides of the road
- Required setbacks shall include a minimum of 20 feet from the sidewalk to the front wall of the unit
- Balconies would be prohibited on units overlooking the west property line
- Minimum 24-foot pavement width on internal roads
- In order to ensure adequate visitor parking, conversion of garages to living area would be prohibited, and boats and trailers would be restricted to the guest parking area within the shopping center parking lot

Mr. Hopper said that he would also like to delete one of the staff recommendations: Item (o), referring to a 16-foot width driveway on each lot.

Commissioner Tucker asked if the driveways would now be 8 feet wide and if the roads would be curbed.

Mr. Hopper said that they would be curbed.

Commissioner Tucker asked about the fire safety elements of construction of the townhomes.

Mr. Hopper stated that the units would be separated by firewalls.

Commissioner Tucker asked if Mr. Hopper knew the turning radius for fire department ladder trucks.

Mr. Hopper stated that the plan was reviewed by the Development Review Committee and that fire department vehicles will be able to pass through the area with cars parked on the roadway.

Commissioner Harris asked what the original provisions had been for internal guest parking.

Mr. Hopper stated that there had been an original pavement width of 22 feet, garages were allowed to be converted to living space, and guest parking was being allotted off site in the shopping center parking lot. Currently, the internal road is now 24 feet wide, with six guest parking spaces located at the end of the cul de sac and the homeowners will be restricted from converting their garages to living space.

Commissioner Hattaway stated that the Winn Dixie lot had been specified to be used for parking previously. She stated that a lot of people would be turning out onto SR 434. Was there only one traffic signal to be in the area?

Jim Potter from Development Review stated that the DOT has jurisdiction over this road and that at the current time there are no plans for a light here. The spacing will not allow one.

Commissioner Hattaway observed that patrons would be exiting into 8 lanes of traffic. She asked when the PUD had originally been approved.

Mr. Hopper said it was first approved in 1987.

Commissioner Hattaway said that things had changed a lot in the area since then.

Jim McMullen spoke next. He stated that the entrance was designed for the proposed purpose shown on his plans. There is an escape lane for a right-out.

Commissioner Harris asked how many trips were estimated to be making a left turn from the location.

Mr. McMullen said the best measure was to examine peak hour usage. This is estimated to be between 30 and 50 trips, with the escape lane. There is a road behind the Winn Dixie also. The proposed use is a less intense use than what is permitted now. Mr. McMullen demonstrated the internal traffic flow using the overhead map view.

Commissioner Hattaway stated concern for the proximity of the local public school (Winter Springs Elementary School). Having to pass in front of the Winn Dixie is a danger.

Mr. McMullen said that peak hour would bring internal traffic in, with people shopping and then going home to their townhomes.

Commissioner Hattaway asked if there was another way to move traffic to the light.

Mr. McMullen said that there was not. They must use access points as demonstrated.

Commissioner Harris observed that it was too bad that there is no way to go through the back.

Mr. McMullen said that there was a way to go through the back and to cut over.

Commissioner Hattaway asked if there was any way to make that more attractive to drivers.

Commissioner Peltz said that the key plan shows a road between the lake and the development. He demonstrated this on the overhead map.

Jim McMullen said that there is an easement for drainage in that location, along with a lake set back of 25 feet, and a power easement, all of which make the area unencroachable.

Mr. Hopper said that it is not possible to put a road there due to the setback and easement requirements.

Commissioner Tucker expressed concern for the fire safety of the plan, in light of the recent fire at UCF, looking at Lot 89 for fire access and the size of the trucks. He asked if Lots 6, 66, and 47 could be removed to accommodate a circular patterned road. Commissioner Tucker said that he would like to see better access and internal flow for emergency vehicles. 6 parking spaces for guest is inadequate.

Commissioner Harris agreed with Commissioner Tucker's observations.

No one spoke from the audience on this item.

Mr. McMullen stated that he had met with the fire department. This design meets code. There is no issue here. He has already lost 8 or 9 lots.

The public hearing was now closed.

Commissioner Tucker stated that he had concerns from a safety standpoint. This is maximum density with minimum standards.

**Commissioner Tucker made a motion to recommend denial of the request.**

**Commissioner Peltz seconded the motion.**

Commissioner Harris expressed concern for aspects of the quality of the plan, the access to SR 434, and the lack of a circular internal traffic flow. He has a problem with this plan.

Commissioner Dorworth agreed. A circular traffic pattern would be better. He cannot support this.

**The vote was 6 – 0 in favor of the motion.** The Commissioners recommended denial.

**B. Walden Chase; Thomas Daly / Daly Design Group, applicant;** approximately 8.09 acres; Small Scale Land Use Amendment from PD to PD; and Major PUD Amendment, located on the north side of Palm Valley Drive, 600 feet east of Alafaya Trail. (Z2004-048 and 09-04SS.02)

Commissioner Maloy – District 1  
Jeff Hopper, Senior Planner

Mr. Hopper said that this is a proposal for a 74-unit townhouse development at a maximum density of 11.6 units per net buildable acre. The site is currently approved for C-2 and OP uses. Access to the development will be from Palm Valley Drive, with no connection to Park Drive on the north. Amenities include a swimming pool and walking paths, and there will be extensive landscaping on the east adjacent to Palm Valley PUD.

Our staff report recommended continuance due to some unresolved issues, but the applicant has provided additional information that addresses our concerns. The existing lake on the east side of the property will be amenitized with sodding, landscaping, and benches to make the area into a recreational amenity so that it can count toward required usable common open space. In addition, a typical architectural elevation has been provided for review.

Staff recommends approval of the request, subject to the conditions listed in the staff report, including the following:

- Adjacent to commercial and industrial property along the north and west property lines, the developer will provide 4 canopy trees per 100 feet and a 6-foot PVC fence
- Sales materials will clearly indicate the proximity of these commercial and industrial uses
- Building setbacks will be a minimum of 20 feet from sidewalks
- Sidewalks will be provided adjacent to all units, on both sides of the road.

Thomas Daly of Daly Design Group spoke next, giving background on the property. He said that the property began in 1989 as part of Palm Valley. It was changed



from RM-2 to PCD. In 1994 it changed from PCD to PUD. Now it has office and C-2 zoning uses. Mr. Fradkin rezoned adjacent parcels to C-1. Now it can be C-2 uses and office, multi-family with medium to high density use. This with R-3 zoning is more to apartment standards. During the pre-application conference we decided to amend the planned development to eliminate commercial uses. The second page of the Sheriff's Department comments involve apartments. We have here a fee simple town home project. In August we met with Sandy Sara, the local property manager for Palm Valley. She had no objection.

Annabelle Clausen of Palm Valley Drive stated that she was concerned with the rezoning of Parcel 23. There have been changes in the Board of Palm Valley since August. There should be a one story limitation, as agreed upon in the past documents on this property. Mr. Fradkin had a Lot 23 agreement with Palm Valley residents. There is a stipulation for a wall between the retirement community and Walden Chase.

Ms. Claussen noted that on December 4 of 1996 access to Lot 22 is provided with Lot 23. Fox Run and East Point have only right turns to get out. The access easement was to allow Lot 22 to get out of the area to Palm Valley. There was an agreement to develop sidewalk 4 feet wide to go to Publix on Palm Valley. There was a traffic study done. The egress road was originally on the south. This plan has 71 parking spaces for 74 homes.

Ms. Claussen pointed to the retention pond. She said that she had a pretty community, and that this was a leach pond with half the use coming from Palm Valley and shared use with Walden Chase. She wants to know where the wall will be put to separate the mobile home park from Walden Chase. After the construction starts, gates will go in on Park Road. We would prefer one-story town homes, as agreed on in 1994. This has not been rescinded anywhere.

Commissioner Harris stated that the issue in 1996 was the ingress and egress. There was a concern for no signalization. Ms. Claussen's community did not want additional traffic. Now that the traffic signal is there, isn't the argument mute?

Ms. Claussen said that her neighborhood was having a problem with outside subdivision traffic cutting through the Palm Valley community.

Commissioner Harris said that there are restrictions in place to reduce the traffic on Palm Valley. People are only making a right out of their subdivision and driving to the light. The subdivision to the north passes through your neighborhood to access Alafaya Trail.

Ms. Claussen stated that her community could not put in a gate because they do not own the property. The past agreement says that gates go in when construction starts.

Mr. Daly stated that this is a private agreement. Palm Valley is a private road not built to County standards. As for the access question, Mr. Fradkin in the rezoning gave cross access agreement to Lot 22. We must have a formal agreement for access and maintenance. Allow us to get the agreement. He is unaware of any agreement to put in a road giving access to Palm Valley Drive. He is opposed to any cut-through traffic. There is \$25,000. in escrow right now for the installation of a gate.

Mr. Daly said that the plan has 71 guest parking spaces, which is 2 per unit. The community pool will be 25 feet by 50 feet and will have restrooms as required by the state. There will be a home owner association. Units will be 3 bedroom, 2 bath. It is not an over 55 community. It will be fee simple ownership for sale product. A playground may go in when the developer takes over.

Mr. Daly said that a landscape berm will be constructed on the east side. The north pond will be dug out and made attractive. This is not being used for storm water. A PVC fence will be installed on the north with landscaping.

Commissioner Harris asked Mr. Daly if he would object to putting in more trees on the side near the mobile home park.

Mr. Daly said that he would agree to put in extra trees if necessary.

Mr. Daly stated that he would be dealing with the Lamplighter Association, the Palm Valley Association, and Mr. Fradkin.

Commissioner Hattaway pointed out the former agreement stating that there was to be no 2 story development.

Mr. Daly stated that that language pertained to the commercial development that was going on Mr. Fradkin's property. He would like to amend the PUD as requested, and work out an agreement with interested parties.

Commissioner Tucker asked about units 54, 55, and 70. Do they have side windows?

Mr. Daly said that they may have small windows.

Commissioner Tucker asked if there were patios and balconies on units 71 to 75.

Mr. Daly said that there would be no second story balconies. He would not object to making the end windows opaque.

Commissioner Tucker said that he had no objection to the project conditions as restated by Mr. Daly. He was not sure how germane the traffic issue was to tonight's request.

Commissioner Harris stated that the 1996 issue pertained to the area not having a traffic light. Now there is a light, and many of the past concerns are not relevant. This will reduce traffic that would have been from other uses.

Mr. Daly stated that if he cannot work out an access agreement, he will put it in the agreement that he would access Park Drive.

**Commissioner Dorworth made a motion to recommend approval of the request with the notation that if an access agreement is not worked out, access will be to Park Drive.**

**Commissioner Peltz seconded the motion.**

**The vote was 6 – 0 in favor of the motion.**

**C. Nak Nak Run Rezone; Mag Development Company / Al Ghandour, applicant;** approximately 10 acres; rezone from A-1 (Agriculture District) to R-1A (Single Family Dwelling District); located on the west side of Old Lockwood Rd., 0.5 mile north of McCulloch Rd. (Z2004-049)

Commissioner Maloy – District 1  
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant is requesting R-1A on a site adjacent to the south side of Carillon Subdivision. This zoning category would permit lots at a minimum 9,000 square feet in size and 75 feet in width. The site of this rezone lies within the Low Density Residential (LDR) future land use designation, as do adjacent properties on all sides. Under LDR, the Vision 2020 Plan allows a development potential of up to 4 units per acre. Adjacent zoning to the east and south is A-1 and R-1AA, while Carillon to the north and west is zoned PUD at a density equivalent to R-1.

As required by the Code, staff performed a Lot Compatibility Analysis on the site, which supports a zoning classification of R-1AA rather than R-1A. Despite the results of this analysis, the Commission may take other factors into consideration. Substantial development has already occurred in Carillon at a density equal to or greater than the applicant's proposal. Also, the adjacent A-1 properties may not accurately reflect development trends in the area.

To ensure compatibility with neighboring development, the Board has the option of approving the request with a larger house size than the normal minimum of 1100 square feet.

Mr. Hopper concluded by saying the staff recommendation was for approval.

Commissioner Harris said that within Carillon there is a higher density.

Mr. Hopper stated that Carillon is equivalent to R-1 zoning, which is smaller lots.

Mr. Ghandour said that this project will be 2.7 or 2.8 units per acre. He will exceed 11,000 square foot lots.

Commissioner Harris asked what the house size would be.

Mr. Ghandour stated that he usually builds 2,200 square foot custom homes. Each is unique.

Julie Richardson of 2511 Nak Nak Run said that she wanted to see larger lot size and bigger houses. Her house is 3,960 square feet, and the smallest in the area is 2,500 square feet. In Carillon, house size ranges from 2,500 square feet to over 4,000 square feet. Her other concerns included flooding in the area and the fact that Nak Nak Run is a private road, not County. When Carillon was developed, it was agreed that a 6 foot wall would be put along Nak Nak Run's north side.

Commissioner Tucker asked Ms. Richardson if the square foot figures she listed were gross square feet.

She said they were.

Ralph Menning of 2021 West Point Drive was also concerned with lot size and water retention. He wants a wall like Carillon's to go in for security and privacy.

Mr. Ghandour said that he would commit to 2,000 square feet of living area and 3,000 square feet minimum under roof.

Commissioner Harris asked Mr. Ghandour to reaffirm his commitment to 2,000 square feet of living area as a minimum.

Mr. Ghandour said "yes" and stated that drainage will be engineered by county standards. He did not see the need for a wall along Nak Nak Run, since no houses will be looking into the subdivision. There will be no access from homes on Nak Nak Run.

Commissioner Harris asked if there would be a wall on the north property line?

Mr. Ghandour said that there are some wood fences. He may gate this project and put fences in for security.

**Commissioner Hattaway made a motion to recommend approval, with a minimum living space of 2,000 square feet in the houses.**

Commissioner Dorworth seconded the motion.

The motion passed unanimously (6 – 0).

**D. Tuskawilla Road (1484) Rezone and Small Scale Land Use Amendment; Michael Craig, PE, applicant;** approximately 2.47 acres; Small Scale Land Use Amendment from Low Density Residential to Office and rezone from A-1 (Agriculture District) to OP (Office Professional District); located on the west side of Tuskawilla Road, approximately 700 feet south of Willa Springs Drive. (Z2004-019 / 05-04SS.02)

Commissioner Maloy – District 1  
Tina Deater, Senior Planner

Tina Deater introduced the Tuskawilla Road Small Scale Land Use Amendment from Low Density Residential to Office and Rezone from A-1 to OP. The subject property contains approximately 2.47 acres and is located on the west side of Tuskawilla Road, approximately 700 feet south of Willa Springs Drive.

The applicant is requesting approval of a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office, and a Rezone from A-1 (Agriculture District) to OP (Office Professional District) for a three-building office complex, with a total of 15,400 square feet of office space. The applicant is also requesting a reduction of the required active buffer and setback adjacent to the south side of Building “C” from a 50 foot landscape buffer to a 25 foot landscape buffer and from 100 foot building setback to a 50 foot building setback.

The Land Development Code requires an active buffer for non-residential uses adjacent to properties that have a residential zoning or future land use designation. In this situation, the adjacent property to the south of Building “C” has a future land use designation of Low Density Residential. However, the property to the south adjacent to Building “C” is being operated as a veterinary clinic and has the same owner as the subject property. Therefore, staff supports the requested reduction in the active buffer and setback adjacent to Building “C”, and is recommending approval of the rezone and small-scale land use amendment subject to the development order, site plan, and architectural rendering.

Michael Craig, representing the property owner, stated that the property is a former veterinary clinic. The agricultural zoning makes it difficult to use. Prospective owners would revamp the property in the future. He agrees with the staff recommendations.

Nadine Jackson of 1164 Cardinal Creek stated that she was concerned about a business going in there. She had been told that Howell Creek would remain a buffer from office and other non-residential uses.

Michael Craig stated that existing buildings have been used a veterinary clinic for 15 years. The access used by the new veterinary clinic on adjacent property will serve as the only access point to this property in the future.

**Commissioner Dorworth made a motion to recommend approval according to the terms of the staff report.**

**Commissioner Peltz seconded the motion.**

There was no discussion.

**The vote was 5 to 1 in favor of the motion.** Commissioner Hattaway voted "no."

**E. SR 434 / Lake Rena Drive Rezone; John H. Reynolds, applicant;** approximately 1.39 acres; Rezone from RP (Residential Professional District) to RP (Residential Professional District); located on the northwest corner of the intersection of SR 434 and Lake Rena Drive. (Z2004-042)

Commissioner Van Der Weide – District 3  
Tina Deater, Senior Planner

Tina Deater introduced the SR 434/Lake Rena Drive Rezone from RP to RP. The subject property contains approximately 1.39 acres and is located on the northwest corner of the intersection of SR 434 and Lake Rena Drive.

The applicant is requesting a rezone from RP to RP, in order to build an approximately 10,175 square foot dental/medical office. The rezone is required because although the property was originally rezoned in 1981, an office was never built, and the approval expired. The future land use designation of the subject property is Office, which allows the proposed RP zoning classification.

The applicant is proposing a right-out only exit onto Lake Rena Drive. A joint access easement with the adjacent property owner already exists on the west side of the property, which allows the subject property full access onto SR 434. The applicant has not demonstrated that the additional right-out is necessary and that it has a minimum impact to adjacent residential neighborhoods as required by Transportation Policy 10.10 of the Vision 2020 Comprehensive Plan.

Ms. Deater stated that the applicant is also requesting three waivers from the requirements of the Seminole County Land Development Code. Under Section 30.123, the Planning Division Manager may allow storm water retention/detention facilities to encroach into designated landscape buffers to a maximum of fifty (50) percent upon making a finding that all planting and structural requirements of the landscaping provisions of this Code are met and the visual screen provided by the bufferyard will be fully achieved and maintained. Retention areas shall be designed to be dry within twenty-four (24) hours of a twenty-five (25) year storm event and not to require fencing around such areas. The first waiver that the applicant is requesting is to allow the stormwater retention area to encroach 20 feet into the required 25 foot active buffer along the north side of the property. Under the code, the Planning Manager could allow it to encroach 12.5 feet. The second waiver request is to allow the retention area that encroaches into the required buffer to be fenced. Due to the fact that the applicant is utilizing a 4 foot retaining wall, the retention area must be fenced. The Land Development Code requires that retention areas that encroach into required buffers must be designed so that they do not require fencing. The third waiver requested is to reduce the required 25 foot active buffer along the west side of the property to 19 feet for a distance of approximately 30 feet.

Staff has reviewed the requested waivers and determined that there is no hardship relating to the configuration of the property that would necessitate these waivers. Although the applicant is proposing to save more than 25% of the trees onsite and is well under the maximum impervious area allowed on the site, the applicant is providing seven parking spaces above and beyond what is required. The applicant could reduce the size of the building and/or remove parking spaces in order to eliminate the encroachments into the buffer and to allow a retention pond design that does not require fencing. Staff, therefore, does not support the requested waivers.

In conclusion, staff recommends denial of the rezone from RP to RP, until a site plan is submitted which meets the following conditions:

1. The retention pond is moved so that it only encroaches 12.5 foot into the required 25 foot active buffer on the north side of the site, and the pond is designed so that it does not require fencing; and
2. The encroachment into the required 25 foot active buffer along the west side of the property is eliminated; and
3. The applicant demonstrates compliance with Transportation Policy 10.10, which requires that access to a local residential street may only be permitted where improved traffic control has minimal impact on the residential neighborhood.

Commissioner Dorworth asked if the applicant had been advised of this recommendation.

Ms. Deater said that he had been advised.

Matt West stated that the applicant has revised the plans several times, trying to improve the site plan. This is the plan that was the latest submission.

John Reynolds of American Civil Engineering stated that the site meets tree and drainage requirements. If the property can exit onto SR 434, that would eliminate the back up on the property. 50 percent of the property is impervious. There will be 6 foot block walls. The placement of the retention pond will not encroach on the privacy of the neighbors. The intended use of the site is a dental clinic with hours of operation 7 A.M. to 5 P.M., Monday through Friday. This will have limited impact on the neighborhood.

He thanked the East Lake Brantley Shores Association for meeting with him.

Fred Streetman of 125 Lake Rena Drive spoke next. He stated that the applicants want a curb cut on Lake Rena Drive. This is the part of the application he objects to. He was a resident there in the 1970's when this property was rezoned to RP originally. At that time it was stipulated that there would not be access to Lake Rena Drive. Making a one way out there creates a traffic problem and dangers to drivers and the neighborhood. The paved area of Lake Rena drive is 21 to 24 feet wide. It is a neighborhood road. Curb cuts there would be dangerous. It will also impact the aesthetics of the neighborhood as well. There is hedge and an entrance wall. He agrees with the staff recommendation.

Commissioner Peltz asked if he would object to the application if the curb cut was eliminated.

Mr. Streetman stated the curb cut was his only objection. He welcomed the doctors into the neighborhood.

Mr. Reynolds stated that if the curb cut is not allowed, there is a 24 foot wide access easement. He can put in a 36 foot throat and make a shared access with the adjacent parcel. This was just worked out during the meeting tonight.

Commissioner Tucker asked if the property next door is owned by an adjacent neighbor.

Ms. Deater said that it was not.

**Commissioner Hattaway made a motion to recommend approval, according to Plan B, eliminating the access to Lake Rena Drive.**



**Commissioner Peltz seconded the motion.**

Commissioner Dorworth agreed, but asked if this could be tabled in order to work out buffers and other issues.

Commissioner Harris stated that there were concerns with the deep retention pond. There will be 48 parking spaces on a 1.4 acre tract. This is trying to over-use the site. This is the problem with some infill projects. This would be better on a 2 acre site. If not, reduce what you have.

John Reynolds said that the pond is in a high recharge area. The parking spaces are 9 feet by 18 feet in size. 48 spaces is a hardship. The Board of County Commissioners wants the trees saved. The 10,000 square foot building is only 10 percent of the site. We are not overdeveloping the site.

Commissioner Hattaway stated that this was not overdevelopment.

**The vote was 4 to 2 in favor of the motion. Commissioners Dorworth and Harris voted "no."**

**F. Narcissus Avenue (2551) Rezone and Small Scale Land Use Amendment; Sam Kram, applicant; approximately 1.0 acre; Small Scale Land Use Amendment from Industrial to Low Density Residential; and Rezone from M-1 (Industrial District) to R-1AAAA (Single-Family Dwelling District); located on the south side of Narcissus Avenue across from Power Road. (Z2004-051)**

Commissioner McLain - District 5  
Tina Deater, Senior Planner

Tina Deater introduced the Narcissus Avenue Small Scale Land Use Amendment from Industrial to Low Density Residential and Rezone from M-1 to R-1AAAA. The subject property contains approximately 1.0 acre and is located on the south side of Narcissus Avenue across from Power Road.

The applicant is requesting the Small Scale Land Use Amendment and Rezone, in order to preserve the existing historical house on the property.

The subject property is located within an area that was historically a mixture of residential and industrial uses and is now transitioning to predominantly residential uses. Although adjacent to property with an Industrial future land use designation, the subject property has been used as a residence since the 1920s and fronts on a residential street, facing R-1AA zoning. On the north side of Narcissus Avenue, west of the subject property, a residential subdivision is being built within the City of Sanford.

To the north and east of the subject property, the future land use designation is Low Density Residential within unincorporated Seminole County.

Although the area is becoming predominantly residential in nature, the subject property is adjacent to property that is zoned M-1 and has Industrial future land use that is currently being used for a mulching business. Under the landscaping regulations of the Seminole County Land Development Code, if the subject property was rezoned to residential, the adjacent M-1 property would not be required to adhere to the Active/Passive buffer standards because 1) the parcel has existed adjacent to a parcel that would not have required Active/Passive buffers and 2) the residential land use and zoning would be applied after March 1, 2000. In order to ensure that the owner of the subject property is aware of the fact that they are adjacent to industrial property and that the owner of the industrial property is not obligated to provide an Active/Passive buffer, staff is recommending that the land use amendment to Low Density Residential be subject to the attached Development Order. The Development Order states that the applicants understand and agree that they are located in an industrial area and they do not have a right to the active/passive buffer, where they are adjacent to the industrial property, which is consistent with the current landscaping requirements of the Land Development Code.

In conclusion, staff recommends approval of the requested Small Scale Land Use Amendment from Industrial to Low Density Residential, subject to the attached development order, and a rezone from M-1 to R-1AAAA.

Commissioner Hattaway asked Mr. West how much undeveloped industrial property was left in the county.

Mr. West stated that there were hundreds of acres near the airport. In Sanford, north of the railroad is going residential; the south side of the railroad is HIPTI land use. This is one acre with another 20 remaining industrial in the area.

Sam Kram stated that the house is 84 years old. He wants to rezone it to residential use in order to split the lot and put in another home.

There was no public input on this item.

**Commissioner Dorworth made a motion to recommend approval according to the conditions of the staff report.**

**Commissioner Bates seconded the motion.**

**The motion passed 6 – 0.**

**G. Seminole Harley-Davidson Rezone;** Hugh Harling, P.E., applicant; approximately 5.5 acres; rezone from M-1A (Very Light Industrial District) to M-1 (Industrial District); located on the west side

of Hickman Circle approximately 850 feet north of Hickman Drive.  
(Z2004-052)

District 5 – Commissioner McLain  
Tina Deater, Senior Planner

Tina Deater introduced the Seminole Harley Davidson Rezone from M-1A to M-1. The subject property contains approximately 5.5 acres and is located on the west side of Hickman Circle approximately 850 feet north of Hickman Drive.

The applicant is requesting the rezoning from M-1A and to M-1, in order to allow retail sales and service of Harley-Davidson motorcycles. In the M-1A zoning district, retail sales are only allowed as a use ancillary to a permitted manufacturing use. The future land use designation for the property is IND (Industrial) which allows the proposed M-1 zoning classification.

Currently, the surrounding area has an Industrial future land use designation. The proposed rezone to M-1 is compatible with the character of the surrounding area and, therefore, staff recommends approval of the rezone from M-1A to M-1.

Hugh Harling stated that he wants the sales and service front on I-4 and service will be in the rear. There will be some signage on the building.

Commissioner Harris stated that the M-1 zoning allows towers and signs.

Matt West stated that cell towers were allowed in M-1 and C-2 uses; this is a straight rezoning.

There were no comments from the floor.

**Commissioner Dorworth made a motion to recommend approval of the request.**

**Commissioner Peltz seconded the motion.**

**The motion passed unanimously (6-0).**

**PLANNING MANAGER REPORT:**

Matt West reported that the Charter Amendment passed by a 57% voter margin.

Commissioner Harris commended the staff on the job they did on that item.

Mr. West said that there will be 6 large scale land use amendments coming up. Several items involve conversion of lands to townhomes.

There will be a special hearing for public input on January 19, 2005 to begin the EAR process.

**There being no further business, the meeting adjourned at 10:03 P.M.**

Respectfully submitted,

Candace Lindlaw-Hudson  
Secretary to the Commission